

**ENTERED**

January 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISIONPATRICK RUSSELL.,  
TDCJ # 02286489 ,

Plaintiff,

VS.

MS. ELIAS, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:20-3840

**ORDER OF DISMISSAL**

Plaintiff Patrick Russell, an inmate in the custody of the Texas Department of Criminal Justice–Correctional Institutions Division (“TDCJ”), proceeds *pro se*. On November 13, 2020, the Court issued a notice of deficient pleading (Dkt. 3) instructing Plaintiff to pay \$400 or file an application to proceed *in forma pauperis* and a certified trust fund account statement. The notice warned Plaintiff that failure to comply with the Court’s instructions within thirty days could lead to dismissal under Federal Rule of Civil Procedure 41(b). The Clerk supplied Plaintiff with the necessary form.

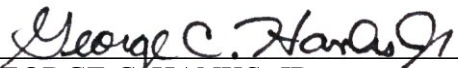
Plaintiff’s deadline for compliance was December 14, 2020. To date, he has not paid the filing fee or submitted an *in forma pauperis* application. Under the inherent powers necessarily vested in a district court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (a district court may dismiss an action *sua sponte* for failure to prosecute an action or to comply with court orders).

However, upon a proper showing from Plaintiff and compliance with all past orders from the Court, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

The Court **ORDERS** that this case is **DISMISSED without prejudice**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 25th day of January, 2021.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE